

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 104 - SB 172**

March 4, 2021

**SUMMARY OF ORIGINAL BILL:** Extends, from 60 days to 180 days, the time period within which a voluntary acknowledgement of paternity may be rescinded. Eliminates the five-year statute of limitations for challenging a voluntary acknowledgement of paternity on the basis of fraud, duress, or mistake of fact.

**FISCAL IMPACT OF ORIGINAL BILL:**

Other Fiscal Impact - Passage of the proposed legislation could jeopardize federal funding to the Department of Human Services received for the Child Support Enforcement Program of approximately \$79,700,000 in FY21-22 and subsequent years if it is determined the state is noncompliant with federal law.

**SUMMARY OF AMENDMENT (003691):** Deletes all language after the enacting clause. Eliminates the five-year statute of limitations for challenging a voluntary acknowledgement of paternity on the basis of fraud, duress, or mistake of fact. Authorizes a party to a civil or criminal proceeding in which a question of parentage arises to voluntarily seek a genetic test from any accredited laboratory prior to a court order requiring one.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**NOT SIGNIFICANT**

Assumptions for the bill as amended:

- Eliminating the five-year statute of limitations for challenging a voluntary acknowledgement of paternity on the basis of fraud, duress, or mistake of fact will have no effect on the policies or procedures of the Department of Human Services (DHS); therefore, any fiscal impact to DHS is estimated to be not significant.
- Any expenditures associated with a voluntary genetic test prior to a court order are presumed to be incurred by the private party seeking such test; therefore, any fiscal impact to state government is estimated to be not significant.
- Based on information provided by the Administrative Office of the Courts, the proposed legislation will not result in a significant increase in caseloads for the state and local courts. Any increase in expenditures will be absorbed within existing judicial resources.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

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